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COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUE980813

**Ex Parte: In the matter of considering an
electricity retail access pilot program –
Virginia Electric and Power Company**

HEARING EXAMINER’S RULING

May 6, 1999

On April 27, 1999, Virginia Electric and Power Company (“Virginia Power” or “Company”), by counsel, filed a motion in which it requested leave (i) to supplement its prefiled testimony and exhibits in this proceeding and (ii) to withdraw Section XI – “Unresolved Issues Requiring Legislative Guidance” of its report dated November 2, 1998, to the Commission regarding the Company’s retail access pilot program (“Report”). In its motion, Virginia Power stated that its new supplemental testimony “contains significant new proposals relating to Virginia Power’s retail access pilot program”¹ Consequently, Virginia Power recognized that changes to the procedural schedule could be required. In this regard, Virginia Power suggested extending the procedural dates by up to eighteen days.

The Hearing Examiner’s Ruling dated April 28, 1999, granted Virginia Power’s motion to supplement its prefiled testimony and exhibits and to withdraw Section XI of its Report. However, rather than adopting Virginia Power’s suggested procedural dates, the parties were given an opportunity to propose changes to the current procedural schedule.

On May 5, 1999, the Division of Consumer Counsel, Office of the Attorney General (“Attorney General”) filed a motion in which it requests a minimum six- to eight-week extension of all remaining procedural dates. In its motion, the Attorney General states that this additional time is needed to analyze and respond to the Company’s supplemental testimony and exhibits, which, among other things, seeks the institution of a wires charge (to recover stranded cost), unbundled rates, and other supplier and customer charges. Finally, the Attorney General represents that all of the following parties support its motion, including: the Commission Staff; A&N Electric Cooperative, et al.; Washington Gas Light Company; Southern Environmental Law Center; Old Mill Power Company; Apartment and Office Building Association; Horizon Energy Company d/b/a Exelon Energy and Exelon Management & Consulting; and the Virginia Committee for Fair Utility Rates.

Also, on May 5, 1999, Virginia Power filed a Proposal to Change the Procedural Schedule (“Proposal”). In its Proposal, the Company asserts that it does not oppose the requested extension by the Attorney General. Indeed, Virginia Power proposes specific

¹ Motion of Virginia Electric and Power Company, Case No. PUE980813, April 27, 1999, at ¶ 6.

procedural dates that would extend the dates for Protestant and Staff testimony by approximately eight weeks, the date for its rebuttal testimony by about nine weeks, and the date for the hearing by roughly ten weeks. Virginia Power contends that its proposed dates are consistent, substantially, with the dates proposed by the Attorney General and would provide the Company with an additional week to prepare its rebuttal testimony following the filing of the Staff's testimony.

Based on the Attorney General's motion and a review of the Company's supplemental testimony and exhibits, I find that a revised procedural schedule and hearing date should be established. Accordingly,

IT IS DIRECTED:

(1) That the hearing currently scheduled to commence at 10:00 a.m. on June 29, 1999, shall be retained on the Commission's docket for the sole purpose of receiving public comments;

(2) That the evidentiary hearing in this matter is hereby rescheduled to September 8, 1999, at 10:00 a.m. in the Commission's Second Floor Courtroom;

(3) That, on or before July 16, 1999, each Protestant shall file with the Clerk an original and fifteen copies of its direct testimony and exhibits and shall serve a copy on Virginia Power, Staff, and all other parties;

(4) That, on or before August 16, 1999, the Commission Staff shall file with the Clerk an original and fifteen copies of its supplemental testimony and exhibits and shall serve a copy on all parties; and

(5) That, on or before August 27, 1999, Virginia Power shall file with the Clerk an original and fifteen copies of its rebuttal testimony and exhibits and shall serve a copy on Staff and all parties.

Alexander F. Skirpan, Jr.
Hearing Examiner